

FOR INFORMATION AND ACTION
DA-2008-63
September 12, 2008

SUBJECT: Confirmation of Emerald Ash Borer (*Agrilus planipennis*) in Charles County, Maryland, and Expansion of the Quarantine Area

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) confirmed the identification of Emerald Ash Borer (EAB), in Charles County, Maryland, on August 25, 2008. This EAB detection is near the county line between Charles County and Prince George's County. A portion of Prince George's County was established as quarantine area for EAB in 2004, and the entire county has been a quarantine area since 2006. This detection was made by a Maryland Department of Agriculture employee who was performing an ash inventory and visual survey for EAB near the perimeter of the known infested area in Prince George's County. The visual survey was being conducted as follow up to an outlying EAB prism trap find within the existing quarantine area.

In response to this detection, APHIS is working closely with the State of Maryland to carry out delimiting surveys around the initial detection site. The attached Federal Order establishes a quarantine area in order to prevent the further spread of EAB. Effective immediately, all interstate movement of EAB regulated articles from Charles County must be done in accordance with the attached Federal Order. Specifically, the interstate movement of EAB-host wood and wood products from Charles County is regulated, including firewood of all hardwoods species, nursery stock, green lumber, waste, compost, and chips of ash species. Due to a parallel quarantine area established by Maryland, only those counties with EAB will be established as quarantine area and placed under phytosanitary controls.

EAB is present in some parts of the United States. Currently, Allegheny, Beaver, Butler, Lawrence and Mercer Counties in western Pennsylvania are quarantined for EAB, together with the entire States of Ohio, Indiana, and Illinois. Portions of Michigan's Upper Peninsula, the entirety of Michigan's Lower Peninsula, Prince George's County in Maryland and Arlington, Fairfax, Fauquier, Loudon and Prince Williams Counties, along with the independent Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia, Wayne County in Missouri, and Fond du Lac, Ozaukee, Sheboygan and Washington Counties in Wisconsin and Fayette County in West Virginia are also under quarantine for EAB. EAB is an invasive wood boring beetle that is native to China and eastern Asia. EAB probably arrived in North America hidden in wood packing materials commonly used to ship consumer and other goods. It was first detected in the United States in southeastern Michigan. Since then, EAB has been responsible for the death and decline of more than 25 million ash trees in the United States. The interstate movement of firewood from quarantine areas is an especially high risk pathway for spreading EAB, and APHIS is working with State cooperators and foresters to raise awareness about this threat among the public.

For more information about the EAB program and Federal EAB regulations, you may contact Paul Chaloux, Acting EAB National Program Manager, at Area Code (301) 734-0917.

/s/ Paul R. Eggert /for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER

Domestic Quarantine of Charles County in Maryland for Emerald Ash Borer (*Agrilus planipennis*)

This Federal Order is issued pursuant to the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States and also pursuant to the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53.

This Federal Order quarantines, effective immediately, Charles County in Maryland for Emerald Ash Borer (EAB), *Agrilus planipennis*. This action is in response to a confirmed detection of EAB in Charles County, Maryland. The Administrator of the Animal and Plant Health Inspection Service (APHIS) finds it necessary to regulate Charles County in order to prevent the spread of EAB. Accordingly, effective immediately, all interstate movement of EAB-regulated articles from Charles County must be done in accordance with the regulations promulgated pursuant to the Plant Protection Act found at 7 CFR 301.53 et seq.

APHIS has confirmed EAB infestations in various areas of the United States for which the Administrator has determined that it is necessary to quarantine these areas in order to prevent the spread of EAB. Currently, the entire States of Ohio, Indiana, and Illinois are quarantined areas for EAB, together with portions of Michigan's Upper Peninsula, the entirety of Michigan's Lower Peninsula, and Prince George's County in Maryland. Since that time, APHIS has confirmed EAB infestations in other areas of the United States for which the Administrator has considered it necessary to issue Federal Orders to also quarantine those areas to prevent the further infestation of EAB.

On August 8, 2007, APHIS issued a Federal Order (DA#2007-29, 8/8/07) to add four counties in western Pennsylvania, Allegheny, Beaver, Butler and Lawrence Counties to the EAB quarantined areas. On July 11, 2008, APHIS issued a second Federal Order (DA#2008-19, 7/11/08) to add Fairfax County in Virginia to the list of quarantined areas. APHIS issued a subsequent Federal Order (DA#2008-39, 8/6/08) for Virginia dated August 6, 2008 to expand the quarantined area to include the following adjacent areas: Arlington, Fauquier, Loudon and Prince William Counties and the independent Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park. On August 6, 2008, APHIS issued a fourth Federal Order (DA#2008-41, 8/6/08) to add Mercer County in Pennsylvania. On August 8, 2008, APHIS issued a fifth Federal Order (DA#2008-44, 8/08/08) to add Wayne County in Missouri. On August 12, 2008, APHIS issued a sixth Federal Order (DA#2008-48, 8/12/08) to add Ozaukee, Washington, Fond du Lac and Sheboygan Counties in Wisconsin. On September 10, 2008, APHIS issued a seventh Federal Order (DA#2008-60, 9/10/08) to add Fayette County in West Virginia. On September 12, 2008, APHIS issued an eighth Federal Order (DA#2008-62, 9/12/08) to add Houghton and Keweenaw Counties in Michigan.

7 CFR 301.53-3(a) allows the designation of less than an entire State as an EAB quarantined area only when the Administrator of APHIS has determined, as in this case, that the designation of less than an entire State as a quarantined EAB area is adequate to prevent the interstate spread of infestations of Emerald Ash Borer. In addition, 7 CFR 301.53-3(a) requires that the State enforces an intrastate EAB quarantine that is equivalent to the Federal EAB regulations. The State Plant Regulatory Official for Maryland has confirmed the establishment of an intra-state quarantine for Charles County that mirrors the Federal Regulatory requirements as specified in 7CFR301.53.

7 CFR 301.53-3 (b) provides for the temporary designation of new quarantined areas pending publication of a rule to add counties to the list shown in 7 CFR 301.53-3(c). 7 CFR 301.53-3 (b) further requires written notification be given to the owner or person in possession of a newly quarantined area. This is the responsibility of the Federal and/or State regulatory personnel responsible for the EAB program in the affected State.

The eight previous Federal Orders have been necessary due to the continuing spread of EAB. This ninth September 12, 2008, Federal Order updates and replaces all previous versions of Federal Orders pertaining to the expansion of quarantined areas in the EAB domestic regulations.

We continue to appreciate the cooperative relationship with the State of Maryland in our effort to prevent the spread of EAB. If you wish more details on the Federal EAB regulatory program, you may contact the EAB National Program Coordinator, Paul Chaloux, at Area Code (301) 734-0917. For information on regulatory requirements for movement of articles out of Maryland, please contact the APHIS State Plant Health Director, Matt Travis.